

Agenda item: 01

Staff person handling: Sandra Straehl

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Wetland projects**

Background

1a. Woodson Creek Wetland Mitigation Project

The Ringling Land and Cattle Company LLC proposes to restore sinuosity (i.e. meanders) to a 1.5 mile channelized reach of Woodson Creek and restore hydrology to the adjacent riparian and scrub-shrub wetland areas within a 105-acre wetland conservation easement on their ranch near the town of Ringling in Meagher County.

The Ringling Land and Cattle LLC will be responsible for the project, including development of design and construction plans; all aspects of constructing the project; fencing the easement boundaries; securing the water rights for the wetland area; revegetation and weed control; maintenance of fences and coordination with the US Army Corps of Engineers on wetland crediting for the project.

The project will provide an **estimated 44.4 acres of Corps-approved wetland credits**.

The total cost of design and construction for the project and securing a wetland conservation easement for the site is \$812,500, a cost of \$18,299.50 per credit acre.

The Woodson Creek Wetland Mitigation project will assist in mitigating the projects shown below.

1b. Hahn Ranch Wetland Mitigation

This project is to conduct a wetland feasibility study of the Hahn Ranch, located south of Townsend in Broadwater County. The intent is to determine the feasibility and cost of developing creditable wetlands within this property. The Hahn Ranch approached the MDT for the purpose of developing wetlands within a 50-acre tract of land along the southern portion of their property adjacent to the Missouri River.

Environmental Services proposes to hire a consultant under a term contract to conduct the feasibility study. The cost estimate for the project is \$75,000; \$65,000 in consultant efforts and \$10,000 for MDT efforts associated with reviewing this project. Please note that this is a feasibility study, therefore it is not yet known whether the site is viable and how many credit acres could be developed. This study will provide that information. Once the feasibility study has been completed, the project will follow the MDT Consultant Design Wetland Mitigation process and the project will be let through normal MDT construction bid practices.

Both projects (1a and 1b) will assist in mitigating impacts associated with the several proposed reconstruction projects in the Butte District. Projects that may be mitigated by these projects include:

UP#	Project Name	Estimated # Acres to be Mitigated	Fund Prefix
1420	Townsend - South	15-25*	NH
1510	East of Townsend	1-2*	STPP
3878	Ringling - N & S	1-2*	STPP

**The actual number of acres needed for mitigation will vary depending on when the project is developed in comparison to when the highway projects are let to construction and how closely the wetlands developed as mitigation resemble the wetlands that are impacted.*

2. Lazy E-L Ranch Wetland Mitigation

This project is to conduct a wetland feasibility study of the Antelope Basin portion of a 100-acre tract within the Lazy E-L Ranch owned by the Mackay family one mile southwest of Roscoe in Stillwater County. MDT is looking to restore the hydrology to this drained wetland, and to restore the natural wetland vegetation and habitat within a perpetual wetland conservation easement on this southern portion of the Lazy E-L Ranch. It is anticipated that the proposed project could potentially develop **40+ acres of Corps-approved wetland credits**.

This proposed mitigation project would assist in mitigating impacts associated with the several proposed roadway reconstruction projects in this section of the Billings District. Environmental Services proposes to hire a consultant under a term contract to conduct the feasibility study. The cost estimate for the project is \$85,000; \$75,000 in consultant efforts and \$10,000 for MDT efforts associated with review. Please note that this is a feasibility study, therefore it is not yet known whether the site is viable and how many credit acres could be developed. This study will provide that information. Once the feasibility study has been completed, the project will follow the MDT Consultant Design Wetland Mitigation process and the project will be let through normal MDT construction bid practices.

Projects that may be mitigated at this site include:

UP#	Project Name	Estimated # Acres to be Mitigated	Fund Prefix
4071	Roscoe – JCT 419	to be determined	STPP
4375	Corridor Study – Red Lodge N	15-20	STPP

**The actual number of acres needed for mitigation will vary depending on when the project is developed in comparison to when the highway projects are let to construction and how closely the wetlands developed as mitigation resemble the wetlands that are impacted.*

3. Gainan Ranch Wetland Mitigation

This project will conduct a wetland feasibility study of a 40-acre tract of land within the Gainan Ranch, approximately four miles west of Boyd in Carbon County. MDT is looking to develop and restore wetland and riparian vegetation and habitat within a perpetual wetland conservation easement on this portion of the Gainan Ranch. This proposed

mitigation project would assist in mitigating impacts associated with several proposed roadway reconstruction projects in this section of the Billings District.

Environmental Services proposes to hire a consultant under a term contract to conduct the feasibility study. The cost estimate for the project is \$75,000; \$65,000 in consultant efforts and \$10,000 for MDT efforts associated with review. Please note that this is a feasibility study, therefore it is not yet known whether the site is viable and how many credit acres could be developed. This study will provide that information. Once the feasibility study has been completed the project will follow the MDT Consultant Design Wetland Mitigation process and the project will be let through the normal MDT construction bid practices.

Projects that may be mitigated at this site include:

UP#	Project Name	Estimated # Acres to be Mitigated	Fund Prefix
4070	Rockvale - Laurel	1-4	NH
1016	Belfry – North	1-2	STPP
4065	Wyoming Line – Belfry	0.065	STPP
4375	Corridor Study – Red Lodge N	15-20	STPP

**The actual number of acres needed for mitigation will vary depending on when the project is developed in comparison to when the highway projects are let to construction and how closely the wetlands developed as mitigation resemble the wetlands that are impacted.*

Summary

It is important for MDT to pursue wetland projects ahead of roadway projects. Basically, if the mitigation is not in place at the time of the project construction, the ratio for mitigating increases. There are a number of other criteria that affect mitigation ratios, but having mitigation in place prior to impact will be required in almost all cases from this point forward.

Staff recommendations

Staff recommends the commission approve the above projects to the program.

Notes/discussion

Commission action

Agenda item: 02

Staff person handling: Sandra Straehl

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Increased project scope and cost**

Background

The following projects are being presented to the commission consistent with policy 12, the *Guidelines for Project Cost Changes* adopted at the July 17, 2003 meeting. This policy is attached for reference.

2001 – Access Control – Kalispell – NE

The commission previously approved this project at their May 30, 2002 meeting. The proposed project will limit access to US 2 (N-1 or LaSalle Road) aimed at reducing turning movement accidents. This project was originally nominated for \$19,500 and is now estimated at \$62,700, an increase of \$43,200.

The cause of the cost increase is a result of additional traffic control features, sidewalks, and ADA ramps not identified in the original cost estimate. Additionally, the cost was increased to reflect higher anticipated bids. The initial benefit cost ratio (B/C) was \$477; based on the increased cost estimate the B/C ratio is now \$162. The additional work will be funded through the Highway Safety Program (STPHS). No projects will be displaced in the program due to this cost increase.

30 KM Northeast of Glendive – Northeast

The commission previously approved this project at their December 16, 1998 meeting. This reconstruction project, located on MT 16 (N-20), was originally nominated for \$8.9 million and is now estimated at \$9.9 million, an increase of \$1 million.

The apparent cause of the cost increase was as a result of public input on the chosen alignment. The alignment preferred by the public created additional earthwork quantities not reflected in the original estimate. The Tentative Construction Plan shows this project fundable in 2009; based on the Glendive districts NH balance for 2009, the increased cost can be absorbed and still maintain a balanced program.

2002 – Fencing – NE of Craig

The commission previously approved this project at their May 7, 2003 meeting. The scope of this safety project was to install a deer fence along Interstate 15 from RP 239.8 – 241.7 at an estimated cost of \$114,500. It is now estimated at \$444,668, an increase of \$330,168.

The increase in project cost is due to scope changes made during the development of the project. The project length was expanded 0.2 miles to connect the deer fence to the bridge at Dearborn River, an 8-foot fence is preferred over the original 6-foot fence, more “jumpouts” (escape ramp for deer) have been added to the project as well as several double cattle guards. The initial B/C ratio was \$10.39; based on the increased cost estimate the B/C ratio is now \$1.76. The additional work will be funded through the Highway Safety Program (STPHS). No projects will be displaced in the program due to this cost increase.

Summary

Due to the expansion of the scope of work and the resulting cost increases, these projects need to be reconsidered by the commission.

Staff recommendations

Staff recommends the commission approve the scope change and additional funds for the above projects.

Notes/discussion

Commission action

Agenda item: 03

Staff person handling: Sandra Straehl

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Discretionary state funded projects**

Background

Historically, the state funded program has principally been directed towards pavement preservation. Over the years MDT has seen the occasional need to utilize the funds for projects outside of this scope.

Summary

Turn Lanes-East of Wolf Point

Columbia Grain is proposing a 110-car unit loading facility 2 miles east of Wolf Point, Montana at milepost 593.6 on US 2 (N-1). The facility will be located between US 2 and the BNSF mainline railroad, approximately ½ mile south of the county road intersection with US 2. Columbia Grain has projected approximately 175 trips per day accessing their new facility. This additional truck traffic will impact traffic operations on US 2; thus necessitating construction of turn lanes on US 2, an improved intersection with a local road, and improvements to the local road. To alleviate safety concerns on US 2 the department has agreed to pay for and develop turn/deceleration lanes on US 2. In return, the developer has agreed to improve the intersection of US 2 with the local road and pay Roosevelt County to reconstruct the county road from the existing right-of-way line to the shuttle facility.

A memorandum of agreement regarding roles and responsibilities of MDT and Columbia Grain regarding the improvements at this location is currently under development.

Assuming the positive completion of this agreement, the proposed scope of work that will be undertaken with MDT funding involves the widening of US 2 on the north and south sides to accommodate a left turn lane for traffic from the east and a right turn lane for traffic coming from the west. Project length will be approximately 2000 feet (includes tapers for turn lanes). It is anticipated there will be no acquisition of right-of-way, wetlands impact, or drainage involvement on the project. The total cost of this improvement is estimated at no more than \$375,000 and will be state funded from the Discretionary Category.

No MDT resources will be invested until an agreement is signed with the developer regarding Columbia Grain's commitment to improve or pay for the improvement of the intersection so it is wide enough to accommodate two grain trucks simultaneously and is constructed with turning radii sufficient to accommodate the commercial vehicles accessing the shuttle facility. Columbia Grain is also entering into agreement with Roosevelt County regarding improving the access road to the shuttle facility.

Lewis & Clark Interpretive Site – Sula

MDT is very aware of the historical significance of the Ross' Hole site (Sula, Montana), where the 1805 Lewis & Clark Expedition first encountered the friendly and helpful Bitterroot Salish Indians. For over five years MDT staff has worked with various Bitterroot citizens and organizations, including the Camp Creek Chapter of the Lewis & Clark Trail Heritage Foundation and the Western Montana Lewis & Clark Bicentennial Commission to find the best location for an interpretive site in the Sula area.

On June 1, 2004, MDT staff met with the public and various local and state agencies at the Sula Interpretive Site next to the Sula Store and made a commitment to develop this project. The site is adjacent to US 93 at RP 12.125 – 12.249. The scope will include the construction of a parking lot, a 500-foot pathway and an overlook area that will include interpretive signs and benches. MDT's contribution to the construction and installation of this interpretive site is estimated at \$20,000 and will be state funded from the Discretionary Category.

Staff recommendations

Staff recommends commission approve the above projects to the program utilizing \$395,000 of Discretionary Category State Funds: \$375,000 for the *US 2 Turn Lanes – East of Wolf Point* project and \$20,000 for the *Le&C Interpretive Site – Sula* project. Staff also recommends that the commission specify that no state resources be used to develop the *US 2 Turn Lanes* project until an agreement is in place with Columbia Grain for their cost participation in improving the intersection.

Notes/discussion

Commission action

Agenda item: 04

Staff person handling: Sandra Straehl

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Construction projects on state and federal systems in Richland County and the cities of Billings, Helena, Hamilton, Kalispell and Missoula**

Background

Under M.C.A. 60-2-111, *Letting of contracts on state and federal aid highways*, all projects for construction or reconstruction of highways and streets located on highway systems and state highways, including those portions in cities and towns, must be let by the Transportation Commission. This statute exists to ensure safety of our system, protect transportation investments, and encourage better coordination between state and local infrastructure improvements. MDT staff reaches out to local governments twice per year in March and October, to solicit local projects on state systems to ensure compliance with this statute.

Summary

The cities of Billings, Helena, Kalispell, and Missoula are planning to design and build transportation improvement projects on the State Urban System. The city of Hamilton is planning to design and build transportation improvement projects on the National Highway System. Richland County is planning to replace a bridge on the Secondary Highway System. The local governments have conducted public involvement processes. In general, the public supports these projects. Attachment A details project locations, scopes, estimated costs, funding sources, and anticipated letting dates. Also, attached are project location maps.

The projects will be designed with input and concurrence from MDT staff. On behalf of Richland County and the cities of Billings, Hamilton, Helena, Kalispell, and Missoula, and, as required by M.C.A. 60-2-111, planning staff is requesting that the Transportation Commission delegate authority to the cities to let and award the contracts for the projects listed in Attachment A. Projects will be competitively bid.

Staff recommendations

Staff recommends the commission approve the projects and delegate its authority to let, award, and administer the contracts for these projects to Richland County and the cities of Billings, Hamilton, Helena, Kalispell, and Missoula, pending concurrence by the chief engineering on the design plans.

Notes/discussion

Commission action

Agenda item: 05

Staff person handling: Sandra Straehl

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Montana Rest Area Plan status review**

Background

The Montana Rest Area Plan has guided commission and MDT decisions regarding Montana's rest areas since the 1980s. The plan originally consisted entirely of a map that showed existing and proposed rest area locations. However, in the late 1990s, in response to increasing complaints about Montana's rest areas (Attachment A), MDT involved the public and representatives of key user groups in a comprehensive update of the plan to establish overall policy direction. The Transportation Commission adopted the updated plan in 1999.

The resulting changes in the quality and maintenance of our rest areas have produced a significant reduction in the number of complaints MDT receives about its rest areas. The public reaction to MDT's newest rest areas at Sweet Grass, Bozeman, Lolo Pass, Lost Trail Pass, and Dena Mora has also been overwhelmingly positive (Attachment B) and we expect a similar response to the new Mosby rest area after it opens later this year. Additional new rest areas at Dearborn, Bearmouth, Crow Agency, Harlowton, and Lima are either under construction or in the design process.

The Montana Rest Area Planning Map (Attachment C) shows existing rest areas as well as planned rest areas consistent with the policies in the original 1999 *Montana Rest Area Plan* and subsequent updates approved by the Transportation Commission. Attachment D highlights the recently completed rest areas with the year they have come on-line.

Although Montana's rest areas have improved over the last five years, funding limitations have caused delays in several planned rest area projects in order to complete critical highway projects. This has affected MDT's recent success in completing one major rest area improvement project per year. Because of this, the Transportation Commission last year asked MDT to commit to funding one major rest area improvement project per year. MDT staff is also developing a methodology based on factors including traffic levels, condition of existing facility, and proximity to existing updated facilities to recommend the sequencing of rest area improvements for consideration by the Commission when approving future Tentative Construction Programs.

In response to a recommendation from a performance audit of MDT's Rest Area Program by the Legislative Audit Division, MDT developed an annual review process of the *Rest Area Plan* and amended the plan to include a description of this process. The annual review process includes a report on the status of Montana's existing and planned rest areas (Attachment E), technical edits to the Montana Rest Area Planning Map, and suggested changes to planned rest area locations.

Staff is not recommending any changes to planned rest area locations this year that would require commission approval. However, MDT has initiated a corridor study of rest area issues on Interstate 94 between Billings and Miles City that could lead to recommendations for changes next year. The study will analyze the condition of the existing aging facilities, examine potential future sites, and make recommendations for general design features. The study will involve local elected officials, business leaders and the public to ensure the recommendations are consistent with area priorities and concerns. In addition, there may be recommendations regarding sequencing for the commission to consider during this fall's meeting on the Tentative Construction Program.

Summary

Attached is a copy of the current Montana Rest Area Planning Map and the annual Rest Area Status Report. The updated report provides detailed information about all Montana rest areas. The following technical edits to the Montana Rest Area Planning Map are based on input from district administrators and other MDT staff involved in rest area planning and maintenance:

- *District 1 – Missoula*
 - Lolo Pass (US-12/N-93, MP-0) – Change symbol to reflect an “In-place Rest Area Maintained by Others” and remove symbol reflecting “Neighboring State Rest Area”.
- *District 2 – Butte*
 - Lima (I-15, MP-10) – Move symbol for proposed rest area to the east side of the interstate as it will be constructed at MDT's existing maintenance yard.
 - North 19TH (I-90, MP-305) – Change name of facility from “N-19TH” to “Bozeman” to properly reflect the location.
- *District 4 – Glendive*
 - Mosby (MT-200/N-57, MP-159) – Change symbol from “Proposed Rest Area-Future Construction” to “In-place Rest Area-State Maintained” as Mosby will come on-line this summer.

Staff recommendations

There are no staff recommendations; this agenda item is for informational purposes and it fulfills the audit recommendation of reviewing the rest area plan annually and reporting to the commission.

Notes/discussion

Commission action

Agenda item: 06

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Special speed zones**

Background

Staff has performed traffic and engineering studies for the following:

Secondary 441 – Fairmont Hot Springs

X-81012 – Crackerville Road

MT 24 – Fort Peck Dam

Please see the attachments for more detail.

Summary

The appropriate local government concurs with the recommendations put forth by MDT.

Staff recommendation

Staff recommends the commission approve the special speed zones as proposed.

Notes/discussion

Commission action



Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001

Memorandum

To: Loran Frazier, P.E. – Chief Engineer
Highways and Engineering Division

From: Duane E. Williams, P.E. - Traffic and Safety Engineer

Date: April 26, 2005

Subject: Speed Limit Recommendations to the Montana Transportation Commission
Secondary 441 – Fairmont Hot Springs
X-81012 – Crackerville Road

- ❑ In response to concerned citizens the Butte-Silver Bow Public Works Department requested a speed limit investigation on Crackerville Road. This investigation was assigned to an independent consulting engineering firm under our term contract program. We reviewed the engineering and traffic investigation report submitted by the consultant and conducted an on-site evaluation of the study area.
- ❑ Crackerville Road is made up of portions of Secondary 441 and a state maintained off-system route (orphan plant) X-81012. The study area comprised of both Secondary 441 and X-81012. There are no approved special speed limits on record for either route. Secondary 441 begins at the Interstate 90 Gregson Interchange and continues in a westerly direction to Fairmont Hot Springs Resort. At Fairmont Hot Springs the roadway curves sharply to the north and continues north and northwest to an intersection with MT 1 near the community of Opportunity an approximate distance of 7.8 miles. X-81012 begins at an intersection with Secondary 441 near the Gregson Interchange and continues northwest approximately 2.5 miles where it ends at an intersection with Secondary 441.
- ❑ The accident history was reviewed for a three-year period on both routes. The accident rate on Secondary 441 is 3.35 accidents per million vehicle miles traveled and 4.87 accidents per million vehicle miles traveled for X-81012. The statewide average for rural secondary highways is 1.73 accidents per million vehicle miles traveled. There was no definable accident trend pin pointing a correctable condition on either route.
- ❑ The following conclusions and recommendations along with the engineering and traffic investigation report prepared by the consultant were submitted to Butte-Silver Bow officials for review and comment. Local officials have responded in writing that they concur with the consultant's findings and the proposed speed limit recommendations. Their comments are attached.

❑ **Secondary 441**

A 55 mph speed limit beginning at milepost 2.0 (1.8 miles west of the Interstate 90 Gregson Interchange) and continuing west to milepost 2.5 (2.3 miles west of the Interstate 90 Gregson Interchange), an approximate distance of 2,600 feet.

A 45 mph speed limit beginning at milepost 2.5 and continuing through the curve and then north to milepost 3.0 (0.168 miles north of the main entrance to Fairmont Hot Springs), an approximate distance of 2,600 feet.

A 55 mph speed limit beginning at milepost 3.0 and continuing north to the Silver Bow / Deer Lodge County line, an approximate distance of 1,200 feet.

❑ **X-81012**

A 60 mph speed limit beginning at the intersection with Secondary 441 near the Interstate 90 Gregson Interchange and continuing northwest to the end of route X-81012 at the second intersection with Secondary 441, an approximate distance of 2.5 miles.

Summary Submitted to Local Officials

The following conclusions were submitted to local officials in conjunction with the engineering report prepared by the consultant.

Secondary 441

As Secondary 441 approaches and passes by Fairmont Hot Springs there is a definite reduction in the travel speeds. In addition to the presence of the resort and its associated development along the roadway, the approach accessing the resort is located within a horizontal curve. There is a significant amount of turning movements that also influence traffic operation and the travel speeds along this segment of roadway. Based on the 85th percentiles and the pace of the traffic stream identified within the consultant's report we recommend a 45 mph speed zone encompassing the horizontal curve and the immediate area around the resort with 55 mph speed zones for the outer fringes of development and the railroad crossings. The remainder of Secondary 441 is rural in character functioning with speeds that are consistent with the statutory 70 mph speed limit.

A 55 mph speed limit beginning at milepost 2.0 (1.8 miles west of the Interstate 90 Gregson Interchange) and continuing west to milepost 2.5 (2.3 miles west of the Interstate 90 Gregson Interchange), an approximate distance of 2,600 feet.

A 45 mph speed limit beginning at milepost 2.5 and continuing through the curve and then north to milepost 3.0 (0.168 miles north of the main entrance to Fairmont Hot Springs), an approximate distance of 2,600 feet.

A 55 mph speed limit beginning at milepost 3.0 and continuing north to the Silver Bow / Deer Lodge County line, an approximate distance of 1,200 feet.

X-81012

The consultant's report identified that there is very little uniformity in the travel speeds along X-81012. In addition to the range in the 85th percentile speeds (53 mph – 75 mph), there is a 10 mph directional variation in the pace of the traffic stream as well as a notable separation between the upper limit of the pace and the 85th percentile speed at some locations. A significant proportion of the traffic stream is also traveling below the pace of the traffic stream indicating a wide distribution in the overall speed population.

Along this segment of roadway the 85th percentile speeds and the pace of the traffic stream did not single out an obvious or point to the same preferred speed limit to represent traffic operation along X-81012. Furthermore, the wide distribution in the overall speed population indicates a tendency for motorists to travel at speeds significantly below the 85th percentile speeds and the statutory 70 mph speed limit. This lack of uniformity in the travel speeds distinguishes X-81012 from the remainder of the study area. We attribute this lack of uniformity to subtle changes in the adjacent side culture, changes in the horizontal and vertical alignment and the proportion of trucks (25%) using the roadway. The directional variation in the travel speeds may be partially explained in that trucks are using this roadway to haul gravel from a nearby pit.

The variability in the pace of the traffic stream combined with the roadway's design features and safety record lend support for a reduction in the speed limit. In arriving at a speed limit recommendation it is our opinion that introducing a 60 mph speed limit would be a logical choice. The statutory speed limit for trucks is also 60 mph. The intent of recommending a 60 mph speed limit would be to promote additional uniformity in the flow of traffic.

A 60 mph speed limit beginning at the intersection with Secondary 441 near the Interstate 90 Gregson Interchange and continuing northwest to the end of route X-81012 at the second intersection with Secondary 441, an approximate distance of 2.5 miles.

DEW:DRB:TRF:crackervillerpt

attachments

copies: D.E. Williams
 D.R. Bailey



*Montana Department of Transportation
PO Box 201001
Helena, MT 59620-1001*

Memorandum

To: Loran Frazier, P.E. – Chief Engineer
Highways and Engineering Division

From: Duane E. Williams, P.E. – Traffic & Safety Engineer

Date: April 26, 2005

Subject: Speed Limit Recommendations to the Montana Transportation Commission
MT 24 – Fort Peck Dam

- ❑ At the request of McCone County Commissioners and with the support of Valley County and the Army Corp of Engineers a speed limit investigation was conducted on the eight-mile segment of MT 24 that passes over Fort Peck Dam and west of the intersection with MT 117. MT 117 intersects MT 24 on the west end of the Dam and continues north into the community of Fort Peck.
- ❑ The study area was originally constructed in 1934 & 1936 and improved in 1966. Most of the roadway consists of two 12-foot travel lanes with 1-foot to 2-foot shoulders in each direction. Average annual daily traffic volumes range between 220 within the McCone County's portion of the study area to 1160 west of the intersection with MT 117 in Valley County. The vast majority of the study area is rural with some adjacent development at the spillway and around the intersection with Duck Creek Road on the west end of the study area.
- ❑ The majority of the area known as Fort Peck Dam is posted with a 45 mph speed limit with a 30 mph – 15 mph – 30 mph speed limit configuration encompassing the spillway. We have no record of any action taken validating the posted speed limit configuration. MT 24 is maintained by Department maintenance forces.
- ❑ The results of our investigation revealed that in the last three years there have been two single vehicle accidents reported within the study area. The accident rate is 0.61 accidents per million vehicle miles traveled. The statewide average for similar rural routes is 1.49 accidents per million vehicle miles traveled. Based on the travel speeds sampled at numerous locations we recommend the following speed limit configuration for MT 24. The following recommendations were presented to McCone County, Valley County and the Army Corp of Engineers. All three parties have responded in writing that they concur with the proposed speed limits. Their comments are attached.

- ❑ **A 50 mph speed limit beginning at station 352+00, project F 315(9) (400 feet west of milepost 52) and continuing west to station 362+00, an approximate distance of 1,000 feet.**

A 40 mph speed limit beginning at station 362+00, constructed by the Corp (400 feet west of the intersection with Tower Hill Road) and continuing west across the spillway to station 390+00, an approximate distance of 2,800 feet.

A 50 mph speed limit beginning at station 390+00, constructed by the Corp (800 feet east of milepost 53) and continuing west to station 401+00, an approximate distance of 1,100 feet.

A 55 mph speed limit beginning at station 401+00, constructed by the Corp (300 feet west of milepost 53) and continuing west across Fort Peck Dam to station 708+00, an approximate distance of 5.8 miles

A 50 mph speed limit beginning at station 708+00, constructed by the Corp (1,000 feet east of the intersection with MT 117) and continuing west to station 851+00, an approximate distance of 5,300 feet.

Report Submitted to Local Officials

McCone County Commissioners requested this investigation. Upon receipt of their request the Glendive District office contacted Valley County officials for support in conducting a speed limit investigation, as the portion of MT 24 that passes over Fort Peck Dam is located within both McCone County and Valley County. Valley County concurred with having a study conducted pending the results of other previous studies requested by Valley County. All other studies requested within Valley County have been completed.

The study area begins at milepost 52 and continues west across the Fort Peck spillway and dam to milepost 60 just west of the intersection with Duck Creek Road. The McCone County – Valley County line is located at milepost 56.3. The average annual daily traffic volume ranges from a low of 220 vehicles in McCone County to 1160 west of the intersection with MT 117. MT 117 intersects MT 24 just west of the dam at milepost 58.6. The majority of this portion of MT 24 was constructed by the Army Corp of Engineers in 1936 and improved in 1966 with the western end of the study area being reconstructed under project NRH 315 (A) in 1934. There were no as-built plans on file for the portion constructed by the Army Corp of Engineers. Most of the roadway consists of two 12-foot travel lanes with 1-foot to 2-foot shoulders in each direction. However, the segment constructed in 1934 is narrower with two 11-foot travel lanes and no surfaced shoulder area. A short segment over the actual spillway accommodates two-way traffic but it is also narrower than the remainder of the study area. Access to MT 24 is limited to three locations on the portion of the route located on the actual dam. There is some adjacent commercial development and private approaches near the intersection with Duck Creek Road west of the intersection with MT 117.

The majority of the area known as Fort Peck Dam is posted with a 45 mph speed limit with a 30 mph – 15 mph – 30 mph speed limit configuration encompassing the spillway. In researching our files and Montana Transportation Commission records we were unable to

identify any documentation on the existing special speed limit configuration. The above mentioned speed limit configuration is not sanctioned by the Montana Transportation Commission. It is our understanding the existing speed limits were posted by the Army Corp of Engineers. In previous discussions about the validity of this speed limit configuration, the Glendive District office voiced the possibility that the Montana Transportation Commission's authority to establish an alternative speed limit configuration along the segment of MT 24 constructed by the Corp could be challenged, and the Army Corp of Engineers should be included within the process of evaluating the existing speed limits. The Department has maintenance jurisdiction throughout the entire study area.

Accident History

The accident history was reviewed for a three-year period from October 1, 2001 to September 30, 2004. During this period there were two accidents reported within the study area. The accident rate is 0.61 accidents per million vehicle miles traveled. This is below the statewide average of 1.49 accidents per million vehicle miles traveled for rural state primary routes.

Both of the accidents were single vehicle in type and occurred on the west end of the study area between milepost 59 and milepost 60. One of accidents involved a conflict with a wild animal.

Travel Speeds

Vehicular travel speeds were sampled at 13 locations to develop a speed profile of the study area. The following table lists the speed statistics by location beginning at milepost 52 east of the spillway and continuing westward.

<u>Location</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream & Percent</u>
Milepost 52	Westbound 69 mph	55 mph – 65 mph (40%)
(70 mph zone)	Eastbound 68 mph	52 mph – 62 mph (45%)
15 mph Speed Zone	Westbound 53 mph	32 mph – 42 mph (37%)
East of the Spillway	Eastbound 49 mph	38 mph – 48 mph (49%)
15 mph Speed Zone	Westbound 42 mph	29 mph – 39 mph (32%)
West of the Spillway	Eastbound 41 mph	23 mph – 33 mph (42%)
Milepost 53	Westbound 56 mph	38 mph – 48 mph (37%)
(30 mph zone)	Eastbound 55 mph	38 mph – 48 mph (39%)
<u>Location</u>	<u>85th percentile Speed</u>	<u>Pace of Traffic Stream & Percent</u>
Milepost 54	Westbound 63 mph	47 mph – 57 mph (41%)
(45 mph zone)	Eastbound 63 mph	44 mph – 54 mph (41%)
Milepost 55	Westbound 56 mph	44 mph – 54 mph (36%)
(45 mph zone)	Eastbound 52 mph	35 mph – 45 mph (36%)
Milepost 56	Westbound 57 mph	41 mph – 51 mph (54%)

(45 mph zone)	Eastbound 59 mph	41 mph – 51 mph (53%)
Milepost 57	Westbound 58 mph	44 mph – 54 mph (45%)
(45 mph zone)	Eastbound 57 mph	41 mph – 51 mph (48%)
Milepost 58	Westbound 58 mph	41 mph – 51 mph (51%)
(45 mph zone)	Eastbound 59 mph	41 mph – 51 mph (45%)
Milepost 59	Westbound 54 mph	41 mph – 51 mph (54%)
(45 mph zone)	Eastbound 58 mph	41 mph – 51 mph (41%)
Milepost 59.4	Westbound 50 mph	38 mph – 48 mph (58%)
(45 mph zone)	Eastbound 59 mph	44 mph – 54 mph (47%)
Milepost 59.9	Westbound 49 mph	38 mph – 48 mph (33%)
(45 mph zone)	Eastbound 48 mph	38 mph – 48 mph (39%)
Milepost 60.1	Westbound 64 mph	52 mph – 62 mph (42%)
(70 mph zone)	Eastbound 71 mph	58 mph – 68 mph (41%)

Traffic is operating at speeds well in excess of the posted speed limits at nearly every location sampled, the only exception being at the far end of the study area near the intersection with Duck Creek Road and the Visitors Center. The 45 mph speed limit is within 3 mph to 4 mph of the 85th percentile speeds and the upper limit of the pace identified in this area. The 15 mph and 30 mph speed limits that encompass the spillway area are the most restrictive with no voluntary motorist compliance. The remainder of the 45 mph speed zone between the spill and the intersection with Duck Creek Road is also not representative of traffic operation.

In addition to the speed statistics indicating that the posted speed limits are inappropriate for traffic operation, they (statistics) also indicate a lack of uniformity in the overall travel speeds at site-specific locations as well as variations in the speed profile throughout the study area.

Conclusions and Recommendations

From the information gathered we recommend revising the existing speed limit configuration to one that is more representative of the actual travel speeds. At the present travel speeds this segment of roadway has functioned successfully with no reported conflicts except for the extreme western portion of the study area.

This investigation has identified two specific areas having travel speeds considerably lower than the remainder of the study area. They are the area encompassing the spillway and the extreme west end of the study area in vicinity of the intersection with Duck Creek Road. There is adjacent roadside development within this segment. There is also some variation in the travel speeds within the remainder of the study area between these two segments. However, the roadway and operational characteristics are relatively the same throughout the central portion of the study area with the only notable difference being the portion of MT 24 located on top of the actual dam versus the area to the east that follows the natural contours

of the terrain. The eastern portion is functioning with travel speeds slightly higher than that on the man made portion of the dam.

The proposed speed limits recognize the changes in traffic operation associated with the spillway and western end of the study area with a separate speed limit for the central portion of the study area. As there are no as-built plans available for the portion of the study area constructed by the Army Corp of Engineers, we continued using the stationing in project F 315 (9) in order to develop at a speed limit description.

A 50 mph speed limit beginning at station 352+00, project F 315(9) (400 feet west of milepost 52) and continuing west to station 362+00, an approximate distance of 1,000 feet.

A 40 mph speed limit beginning at station 362+00, constructed by the Corp (400 feet west of the intersection with Tower Hill Road) and continuing west across the spillway to station 390+00, an approximate distance of 2,800 feet.

A 50 mph speed limit beginning at station 390+00, constructed by the Corp (800 feet east of milepost 53) and continuing west to station 401+00, an approximate distance of 1,100 feet.

A 55 mph speed limit beginning at station 401+00, constructed by the Corp (300 feet west of milepost 53) and continuing west across Fort Peck Dam to station 708+00, an approximate distance of 5.8 miles

A 50 mph speed limit beginning at station 708+00, constructed by the Corp (1,000 feet east of the intersection with MT 117) and continuing west to station 851+00, an approximate distance of 5,300 feet.

DEW:DRB:TRF;mt24ftpcrpt

attachments

copies: D.E. Williams
 D.R. Bailey

Agenda item: 07

Staff person handling: Jim Lynch

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Policy proposals**

Background

The department would like to bring the following policies before the commission for consideration:

- a. Draft commission policy *Emergency projects* will delegate authority to MDT to award emergency project contracts
- b. Update to MDT Management Memo 02-01 *Department action regarding bids*
- c. Draft commission policy Requirements for contractors “doing business as”

Copies of the policies are attached.

Staff recommendations

Staff recommends the commission approve the two commission policies (a and c above). Policy b is a director-issued policy offered to the commission for information and comment.

Notes/discussion

Commission action

MONTANA TRANSPORTATION COMMISSION

POLICY STATEMENT

*Adopted by the Montana Transportation Commission
during regular session on <date effective>*

draft

Policy Number: **to be assigned**
Subject: **Emergency projects**

Background

Time is of the essence in responding to a failure on the transportation system, such as a bridge collapse or landslide. When such an event occurs, the process of soliciting bids and awarding a contract must be expedited.

Purpose

In accordance with § 60-2-111 (2)¹ of state law, the commission hereby delegates authority to the director, deputy director, or chief engineer of the Montana Department of Transportation to respond to solicit bids and make contract awards for emergency projects.

Procedures

1. Staff will notify the commission chairman, the Federal Highway Administration, and the appropriate district commissioner of the emergency.
2. Contract Plans staff will post a notice of the emergency bid letting on the Contractor's System website.
3. Contract Plans staff will call the Montana Contractors' Association so they can make their members aware that we will be advertising for bids for an emergency project.
4. District or headquarters will do an expedited design for either a temporary or permanent fix. Once the plans are completed, they will be posted on the Contractor's System website. The project will have an abbreviated advertisement period and expedited review of bids. Award will typically be within a day or two of opening bids.
5. Staff will provide a briefing to the commission at their next scheduled meeting (which may be a conference call) about the emergency, how the department responded, and what the current status of the situation is.

¹ Excerpt from the *Montana Code Annotated*

60-2-111. Letting of contracts on state and federal-aid highways.

(2) The commission may delegate the authority, with all applicable statutory restrictions, to award any contract covered by this section to the department or to a unit of local government.



Montana Department
of Transportation

MANAGEMENT MEMO

Management Memo number: 02-01

Date issued: April 24, 2002

Date effective: April 24, 2002

Date revised:

Subject: Department action regarding bids

To: All offices
From: Jim Lynch, Director

draft

Purpose


The purpose of this policy is to allow a low bidder whose bid is outside the guidelines for award the opportunity to provide an explanation and justification for his bid.

Procedure

This procedure applies when staff's recommendation to the commission is to *not* award a project contract to the low bidder.

Please note: this procedure does *not* apply when funding constraints have been disclosed in the invitation for bid.

1. When MDT staff have concerns regarding the validity of a low bid that could lead to that bid being rejected, or a recommendation to reject all bids, the contract plans bureau chief will contact the apparent low bidder and request written information about the bid.
2. Engineering staff will review the written information provided and, if appropriate, make adjustments to the original engineers' estimate as described in commission policy 12.
3. During the bid review meeting usually held one week after the bid letting, the contract plans bureau chief will share the contractor's response and what, if any, adjustments were made to the original engineers' estimate.
4. If the low bid is still outside the guidelines for award, when compared with the original – or if applicable – a revised engineers' estimate, the chief engineer may make a recommendation to not award the contract to the apparent low bidder, or to recommend rejection of all bids.
5. This recommendation will be communicated to the chief counsel, FHWA representative, and director or deputy director as soon as possible.
6. The commission secretary will advise the apparent low bidder of the recommendation. The bidder may state their position to the commission during their teleconference meeting to award project contracts.

 <p>Montana Department of Transportation</p> <p>MANAGEMENT MEMO</p>	Management Memo number: 02-01
	Date issued: April 24, 2002
	Date effective: April 24, 2002
	Date revised: July 23, 2003
Subject: Department action regarding bids	

To: All offices

From: Dave Galt, Director

My initial memo is being revised to address those occasions when staff recommends the Transportation Commission reject all bids on a project.

This procedure applies any time we have a project award decision that has problems and staff does not recommend award to the low bidder:

1. Any time MDT staff have concerns regarding the validity of a low bid that could lead to that bid being rejected, or a recommendation to reject all bids, the Construction Engineer will contact the Chief Engineer and discuss the issue with the apparent low bidder.
2. In the event that the Chief Engineer and the Construction Engineer believe some reason exists not to recommend award to the apparent low bidder, or to recommend rejection of all bids, the Chief Counsel, FHWA representative, and Director or Deputy Director will be consulted. The apparent low bidder will be advised that a concern exists on the project and will have the opportunity to offer comments in a meeting with the above parties. Any such meeting notice will be forwarded to the Montana Contractors' Association.
3. If a recommendation is developed, with concurrence of FHWA, Chief Counsel and the Director's office, the Transportation Commission will be notified that we have a potential problem for award. Any decisions made regarding this project and bid must be placed on the next commission agenda and all contractors who offered a bid for said project will be notified in writing as soon as reasonably possible. Decisions not to award to the low bidder or rejection of all the bids once they are opened must be made in a regularly scheduled Transportation Commission meeting.

In every case, MDT will notify the Executive Director of the Montana Contractor's Association of any bid that is under review and of any intent to bring the issue to the Transportation Commission for decision.

Agenda item: 08c

Staff person handling: Loran Frazier

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Request for policy:** *Requirements for contractors “doing business as” (dba)*

Background

The department has had continuing problems in documentation (contracts, payrolls, progress payments, etc.) caused by firms identifying themselves at different points in the construction process by different names.

For example, firms have submitted bids by referring to themselves as “JONES CONSTRUCTION doing business as (d/b/a) UNIVERSAL CORPORATION” After award the firm refers to itself when providing subcontracts as JONES CONSTRUCTION, then provides payrolls under the name of UNIVERSAL CORPORATION, etc.

Summary

To eliminate confusion and streamline the project documentation process, a contractor should use only one name throughout the entire contract.

Staff recommendations

We would appreciate the commission’s consideration of adopting the following as a policy.

- If a firm is “doing business as” one name, the contract will only be issued in that name. Other names will not be reflected in either the bid or the bid bond.
- If another name is included on either, the bid will be considered irregular and may be rejected under 102.08.
- The Taxpayer I.D. number provided with the bid must be the T.I.D. number that is used by “Doing Business As” name.
- Subcontracts and proposed subcontracts will only be entered into by the name in the contract (the DBA name).
- Payrolls will be accepted only from the company named in the contract.
- Progress payments will only be issued in the name in the contract.
- Any delays or extra costs to a contractor or its subcontractors from not complying with these requirements will solely be the responsibility of the prime contractor.
- All correspondence will be sent to the name and address in the contract.

Notes/discussion

Commission action

MONTANA TRANSPORTATION COMMISSION

POLICY STATEMENT

*Adopted by the Montana Transportation Commission
during regular session on <date effective>*

draft

Policy Number: **to be assigned**
Subject: **Requirements for contractors “doing business as”**
Effective: **June 25, 2005**

Background

The department has had continuing problems in documentation (contracts, payrolls, progress payments, etc.) caused by firms identifying themselves at different points in the construction process by different names.

Purpose

To eliminate confusion and streamline the project documentation process, the commission requires that a contractor use only one name throughout the duration of the entire contract.

Procedures

1. If a firm is “doing business as” one name, the contract and contract bond will only be issued in that name. Other names will not be reflected in either the bid or the bid bond.
2. If another name is included on either, the bid will be considered irregular and will be rejected under 102.08.
3. The Taxpayer I.D. number provided with the bid must be the T.I.D. number that is used by “Doing Business As” name.
4. Subcontracts and proposed subcontracts will only be entered into by the name in the contract (the DBA name).
5. Payrolls will be accepted only from the company named in the contract.
6. Progress payments will only be issued in the name in the contract.
7. Any delays or extra costs to a contractor or its subcontractors from not complying with these requirements will solely be the responsibility of the prime contractor.
8. All correspondence will be sent to the name and address in the contract.
9. This policy will be publicized as follows:
 - Policy will be made available to contractors at the time of the May/June 2005 advertisings.
 - Policy will be made available to the Montana Contractors’ Association (MCA) at the next MCA/MDT meeting following the policy’s adoption.
 - Policy will be posted on the commission’s website as well as MDT’s website for contractors.

Agenda item: 08a

Staff person handling: Loran Frazier, P.E., Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Access control resolution**

Project ID: STPS 282-1(6)0

Project No.: 4472-006-000

Designation: *Intersection Improvements – Montana City*

Background

MDT is moving forward on the final design and the acquisition of right-of-way for the reconstruction of the frontage road intersection located to the west of the Montana City Interstate Interchange. Part of this process involves access management discussions, and what degree of access will be allowed in the vicinity of the intersection. Access Control is proposed to improve the safety and through mobility of this intersection.

Before moving forward with individual landowner negotiations, it is necessary to bring this concept before the Transportation Commission for your approval.

Summary

SCOPE OF WORK OF PROJECT – This project is classified as an Intersection Improvement project at the intersections of MT 282, the Frontage Road and Jackson Creek Road. The roads at this intersection are functionally classified as major collectors. A signalized intersection is proposed and includes a full depth surface reconstruction of the pavement with additional turn lanes, as well as safety and drainage improvements.

LOCATION OF PROJECT – The proposed project is located in Montana City in Jefferson County approximately 4.5 miles south of Helena. The project is located 100m west of the on/off ramp for the Interstate 15 interchange. The limits of the intersection project extend west 257 M on Jackson Creek Road to the approach for Jefferson Drive, north 140 M on the Frontage Road, south 240 M on MT 282, and east 130 M on MT 282 to the on/off ramp of I-15.

SAFETY ANALYSIS/JUSTIFICATION – From 1996 to 1999 there were eight reported crashes at or in the immediate vicinity of the intersection with five being identified as injury collisions. All reported collisions occurred during daylight hours. Three of the collisions were angle collisions in the intersection and five were rear-end collisions on the south leg (MT 282).

The proposed improvements will significantly reduce collision rates by providing a signalized intersection, additional turning lanes, improved shoulders and increased sight distance. Traffic signals will incorporate push actuated crosswalk signals, greatly enhancing the safe crossing of pedestrians and children on bicycles. Signalizing the intersection will allow for more controlled turning movements and also for improved safety of ingress and egress to

local businesses. Fill slopes will be flattened to meet MDT and Jefferson County standard fill slopes.

ACCESS MANAGEMENT APPROACH – Access management is a response to the problems of congestion, capacity loss, and accidents. It sets forth guidelines for managing access points and spacing along a highway, adding turn lanes, incorporating turning restrictions, consolidating accesses, and implementing traffic control measures. The goal of access management is to improve the safety, function, and operation of the roadway.

The following goals and basic strategies are used in implementing access control for this project:

- 1) Limit the number of conflict points
- 2) Separate conflict points
- 3) Remove turning vehicles from through traffic lanes
- 4) Reduce conflicting volumes
- 5) Improve roadway/driveway operations and safety

PUBLIC INVOLVEMENT - A public meeting was held in December, 2001 where four alternatives were presented. Due to low attendance, another public meeting was held in January, 2002 where the same four alternatives were presented. The design alternatives were also presented to the Montana City PTA in February, 2002. A meeting with Jefferson County Commission and MDT was held in March, 2002 to discuss the design alternatives. A meeting was held with the Jefferson County Small Business Bureau where design alternatives were discussed. In July, 2004, a public informational meeting was held at the Montana City School where the current design of a signalized intersection was presented, which was nominated by MDT.

NEPA ENVIRONMENTAL DOCUMENTATION – All activities associated with this project meet the requirements of a Categorical Exclusion. A Categorical Exclusion document was approved for this project on February 10, 2003.

DISTRICT POSITION – The Butte District is in support of access control for this project.

COUNTY POSITION – Jefferson County also supports access control for this project. Exhibit II is a letter of support from the Jefferson County Commissioners.

OPPOSITION TO PROJECT – There is minimal public opposition to the control of access on this project. Most opposition focused mainly on the desire to keep access points exactly as they currently exist. While this is not possible, each landowner will retain reasonable access to their property.

EXHIBITS –

Exhibit I: An overall map of the area, showing the project limits.

Exhibit II: A letter from the Jefferson County Commission in support of the access control policy.

Staff recommendations

Staff recommends approval of the Access Control Resolution.

Notes/discussion**Commission action**

RESOLUTION

DESIGNATION OF CONTROLLED ACCESS HIGHWAY AND FACILITY

PE PROJECT ID: STPS 282-1(3)0

R/W PROJECT ID: STPS 282-1(6)0

R/W PROJECT No.: 4472-006

DESIGNATION: *Intersection Impv - Montana City*

JEFFERSON COUNTY, MONTANA.

The State of Montana Transportation Commission, in regular meeting assembled, does hereby concur in the following findings and Resolution:

THAT a state highway known as Montana Department of Transportation Highway

Project STPS 282-1(6)0 has been approved for reconstruction by the Federal Highway Administration of the United States Department of Transportation, and federal funds will be expended to aid the State of Montana in the reconstruction of said highway;

THAT in order to facilitate the flow of traffic; preserve the public peace, health, and safety; for the promotion of the general welfare and efficient travel; and to otherwise facilitate implementation of the purposes and intents set forth in Mont. Code Ann. §§ 60-1-101 and 60-1-102, the Montana Department of Transportation has recommended that any and all rights and/or easements of access claimed by the owners or occupants of land abutting said Highway Project STPS 282-1(6)0 should be controlled and/or limited by the State by exercise of its police power, or if it be determined that the police power does not apply to any parcel involved in this project, then the same should be acquired by eminent domain;

THAT the purpose of controlling access for said Highway Project STPS 282-1(6)0 is to improve safety and efficiency by reducing vehicular conflicts;

THAT vehicular conflicts will be reduced by controlling and limiting the type and location of access points within the limits of said Highway Project STPS 282-1(6)0;

THAT this Commission has found and determined and does hereby find and determine that said Highway Project STPS 282-1(6)0, as shown on the right-of-way plans for said project and more specifically described on the "Description of Route" attached hereto and hereby made a part hereof, shall be designated as a "Controlled Access Highway and Facility";

THAT, pursuant to Montana Code Annotated § 60-5-103, this Commission has found and determined and does hereby find and determine that it is necessary and desirable that the owners or occupants of abutting land or other persons shall have no easement of access or only a limited easement of access, light, air, or view so as to prevent such portion of highway from becoming unsafe for or impeded by unrestricted access of traffic from intersection streets, alleys, public or private roads, or ways of passage. In the event it is hereafter determined that the project shall leave any abutting landowner without reasonable access, then such rights of or easements to access, light, air, or view shall be acquired by the state; and

THAT there shall be no direct access to, from, or across the limits of said Controlled Access Highway and Facility except as will be hereafter determined.

WE, the undersigned, do hereby certify that the above resolution was passed, adopted, and executed upon the favorable vote of at least three members of the State of Montana Transportation Commission at a meeting of said commission, held on the _____ day of _____, 20____.

DATED this _____ day of _____, 20____.

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

Jim Lynch, Director

STATE OF MONTANA
TRANSPORTATION COMMISSION

Bill Kennedy, Chairperson

ATTEST:

Lorelle M. Demont, Commission Secretary

[COMMISSION SEAL]

STATE OF MONTANA)
)ss
 Lewis and Clark COUNTY)

This instrument was acknowledged before me on the ____ day of _____, 20____, by Jim Lynch as Director of the Montana Department of Transportation.

[NOTARIAL SEAL]

Notary Signature

Lorelle M. Demont
Notary Printed Name

Notary Public for the State of Montana
Residing at Helena, MT
My Commission Expires: April 5, 2008

STATE OF MONTANA)
)ss
 Lewis and Clark COUNTY)

This instrument was acknowledged before me on the ____ day of _____, 20____, by Bill Kennedy as Chairperson of the Montana Transportation Commission.

[NOTARIAL SEAL]

Notary Signature

Lorelle M. Demont
Notary Printed Name

Notary Public for the State of Montana
Residing at Helena, MT
My Commission Expires: April 5, 2008

Agenda item: 08b

Staff person handling: Loran Frazier, P.E., Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT.

Item: **Access control resolution**

Project ID: NH 15-4(112)191

Project No.: 5587-112-000

Designation: *South Helena Interchange*

Counties: Lewis & Clark, Jefferson

Background

MDT is moving forward on the final design and the acquisition of right-of-way for a new Interchange and frontage road located south of Helena, MT. Part of this process involves access management discussions, and what degree of access will be allowed in the vicinity of the intersection. Access Control is proposed to improve the safety and through mobility of this intersection.

Before moving forward with individual landowner negotiations, it is necessary to bring this concept before the Transportation Commission for your approval.

Summary

SCOPE OF WORK OF PROJECT – As part of the *Interstate 15 Corridor Environmental Impact Statement* and *Section 4(f)/6(f) Evaluation* prepared by Carter & Burgess in 2003, a new interchange access was approved just south of Helena, MT. The Interchange option was advanced at this location because of the need to provide interstate access to the southeast portion of Helena and the potential to relieve congestion at the existing Capitol Interchange.

The project includes a full diamond interchange plus a frontage road on the west side of the I-15 corridor from the South Hills Road in Jefferson County extending north for about 1.9 miles until it connects with the existing paved Colonial Drive in Lewis & Clark County.

LOCATION OF PROJECT – This new Interchange will be located 1.3 miles south of the existing Capitol Interchange and 2.7 miles north of the Montana City Interchange.

ACCESS MANAGEMENT APPROACH – Access management is a response to the problems of congestion, capacity loss, and accidents. It sets forth guidelines for managing access points and spacing along a highway, adding turn lanes, incorporating turning restrictions, consolidating accesses, and implementing traffic control measures. The goal of access management is to improve the safety, function, and operation of the roadway.

The following goals and basic strategies are used in implementing access control for this project:

- 1) Limit the number of conflict points
- 2) Remove turning vehicles from through traffic lanes
- 3) Reduce conflicting volumes
- 4) Improve roadway/driveway operations and safety

PUBLIC INVOLVEMENT - An extensive public involvement program was implemented for the development of the Environmental Impact Statement and for the annexation and approval of the Nob Hill Subdivision.

NEPA ENVIRONMENTAL DOCUMENTATION – All environmental considerations regarding this project were addressed in the approved *Interstate 15 Corridor Environmental Impact Statement* and *Section 4(f)/6(f) Evaluation* prepared by Carter Burgess in 2003. The Record of Decision was signed on January 22, 2004.

DISTRICT POSITION – The Butte District is in support of access control for this project.

COUNTY POSITION – Lewis and Clark County has verbally indicated their support of the access control designation for this project; however, due to time constraints related to this project, MDT was unable to obtain a written letter of support from the County prior to getting this issue on the Commission's agenda. Access Control on this project consists of full access control along the interstate on/off ramps, which is consistent with all Interstate interchanges. There is also full access control along both sides of the cross road between the west interstate on/off ramps and the Frontage Road as well as along the west side of the Frontage Road at the intersection of the cross road and the Frontage Road. All property subject to the full access control limits is owned or controlled by the developer (Robert Peccia and Associates), who is fully aware that the property will be subject to full access control.

OPPOSITION TO PROJECT – There has not been any public opposition to implementing access control on this project.

EXHIBITS –

Exhibit I: An overall map of the area, showing the project limits.

Staff recommendations

Staff recommends that the Transportation Commission approve the Access Control Resolution for this project.

Notes/discussion

Commission action

RESOLUTION

DESIGNATION OF CONTROLLED ACCESS HIGHWAY AND FACILITY

PE PROJECT ID: NH 15-4(108)191

R/W PROJECT ID: NH 15-4(112)191

R/W PROJECT No.: 5587-112

DESIGNATION: *South Helena Interchange*

LEWIS & CLARK COUNTY, MONTANA.

The State of Montana Transportation Commission, in regular meeting assembled, does hereby concur in the following findings and resolution:

THAT a state highway known as Montana Department of Transportation Highway Project NH 15-4(112)191 has been approved for construction by the Federal Highway Administration of the United States Department of Transportation, and federal funds will be expended to aid the State of Montana in the construction of said highway;

THAT in order to facilitate the flow of traffic; preserve the public peace, health, and safety; for the promotion of the general welfare and efficient travel; and to otherwise facilitate implementation of the purposes and intents set forth in Mont. Code Ann. §§ 60-1-101 and 60-1-102, the Montana Department of Transportation has recommended that any and all rights and/or easements of access claimed by the owners or occupants of land abutting a portion of said Highway Project NH 15-4(112)191 should be controlled and/or limited by the State by exercise of its police power, or if it be determined that the police power does not apply to any parcel involved in this project, then the same should be acquired by eminent domain;

THAT the purpose of controlling access for a portion of said Highway Project NH 15-4(112)191 is to improve safety and efficiency by reducing vehicular conflicts;

THAT vehicular conflicts will be reduced by controlling and limiting the type and location of access points within the limits of a portion of said Highway Project NH 15-4(112)191;

THAT this Commission has found and determined and does hereby find and determine that said Highway Project NH 15-4(112)191, as shown on the right-of-way plans for said project and more specifically described on the "Description of Route" attached hereto and hereby made a part hereof, shall be designated as a "Controlled Access Highway and Facility";

THAT, pursuant to Montana Code Annotated § 60-5-103, this Commission has found and determined and does hereby find and determine that it is necessary and desirable that the owners or occupants of abutting land or other persons shall have no easement of access or only a limited easement of access, light, air, or view so as to prevent such portion of highway from becoming unsafe for or impeded by unrestricted access of traffic from intersection streets, alleys, public or private roads, or ways of passage. In the event it is hereafter determined that the project shall leave any abutting landowner without reasonable access, then such rights of or easements to access, light, air, or view shall be acquired by the state; and

THAT there shall be no direct access to, from, or across the access control limits of said Controlled Access Highway and Facility as follows: Full Access Control on the Right side of Ramp A from Station 12+00 to Station 18+48, Full Access Control on the Right side of Ramp B from Station 18+48 to Station 23+00, Full Access Control on the Left side of Ramp C from Station 18+80 to Station 23+00, Full Access Control on the Left side of Ramp D from Station 14+60 to Station 18+20, Full Access Control on the Left and Right sides of the S-Line from Station 16+16 to Station 17+50, and Full Access Control on the Left side of Frontage Road from Station 117+64 to Station 117+94 and from Station 118+26 to Station 118+56; except as will be hereafter determined.

We the undersigned, do hereby certify that the above resolution was passed, adopted, and executed upon the favorable vote of at least three members of the State of Montana Transportation Commission at a meeting of said commission, held on the _____ day of _____, 20____.

DATED this _____ day of _____, 20____.

STATE OF MONTANA
DEPARTMENT OF TRANSPORTATION

Jim Lynch, Director

STATE OF MONTANA
TRANSPORTATION COMMISSION

Bill Kennedy, Chairperson

ATTEST:

Lorelle M. Demont, Commission Secretary

[COMMISSION SEAL]

STATE OF MONTANA)
):ss
Lewis and Clark COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2005,
by Jim Lynch as Director of the Montana Department of Transportation.

[NOTARIAL SEAL]

Notary Signature

Lorelle M. Demont

Notary Printed Name

Notary Public for the State of Montana

Residing at Helena, MT

My Commission Expires: April 5, 2008

STATE OF MONTANA)
):ss
Lewis and Clark COUNTY)

This instrument was acknowledged before me on the _____ day of _____,
2005_____, by Bill Kennedy as Chairperson of the Montana Transportation Commission.

[NOTARIAL SEAL]

Notary Signature

Lorelle M. Demont

Notary Printed Name

Notary Public for the State of Montana

Residing at Helena, MT

My Commission Expires: April 5, 2008

Agenda item: 09

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Access control appeal**

Background

J. R. Iman requested time on the commission agenda in case his request for direct access onto US 93 is denied (the request has been moving through the department's internal appeal process). The land in question is under the jurisdiction of the commission-approved access control resolution for the *US 93 Hamilton – Florence* project.

Mr. Iman provided the attached letter to formalize his request and state his position.

Summary

If the matter is unresolved closer to the commission meeting time, department staff will provide the commission with additional materials that describe the department's decision and the reasons behind the decision.

Date: April 29, 2005

To: Dwane Kailey, District Administrator
Missoula District
P.O. Box 7039
Missoula, Montana 59807-7039

From: Lisa Scheffer and Bobbie Perssons, Land Owners
Tom Lund, Sellers Representative
J.R. Iman and Don Dunbar, Property Purchasers

Ref: Request for Commercial Access

Please consider this letter as a formal request of appeal for a commercial access to Highway 93 North accessing Parcels 1- 48 and 1-31; further described as Station 44 + 40 to Station 47 + 35 LT.

This appeal is based on the following criteria:

1. Request for access meets access guidelines for situational use including site distance, land use patterns and lack of conflicts across the road. Reference Access Mgmt Guidelines US Highway 93 Hamilton - Florence, prepared by WGM Group; November 24, 1999.
2. Discussion of access possibility dated 3/7/04 was considered by the Access Review Committee (ARC) as first request and subsequent meeting of 3/29/04 was considered an appeal by ARC. First request did not meet situational guidelines as described in Number 1 above. Request of 3/29/04 was not considered independently on its own merit.
3. Land owners were denied access to Parcel 1- 48 in their initial request for Highway access. See WGM Group minutes dated 4/18/04 Page 3 under Recommendations and e-mail Numbers (E-mail) R and S.
4. Land owners were denied constructive input on first access request. All input was between government parties by e-mail and no public meeting was held. (WGM Group minutes email 4/18/04 - email section.)
5. During the request period, 2 new members were appointed to the ARC, James Freyholtz and Greg Pizzini. See E-mails P and Q.
6. Previous ARC headed by Loran Frazier allowed reasonable access to multiple parcels with similar circumstances along Highway 93 including Parcels 1- 49, 1- 107, and 1 -79 reference minutes from meeting dated 10/21/04.
7. Multiple commercial accesses were granted to Parcels 1 -32, 1-33, 1-43, 1-45, directly south of subject property, and Parcel 1-49 adjacent to the north.

Discussion by item:

- 1 Request for access meets access guidelines for US Highway 93 Hamilton - Florence. Page 2-26 and Table 2-7 of the Final Environmental Impact Statement US 93 Hamilton to Lolo shows that this parcel is in the "situational" access control policy category. (Mile Post 50.1 to 51.7 Station 26+10 to 51.7)

Access Management Guidelines page 14 Unsignaled Access Spacing 200M (660 ft). Our access request at Station 45 + 50 is midway between the access to Parcel 1-46 and Pony Palace Way. Parcel 1-46 has already settled with MDT and access control has been purchased. The first request for access at Station 44 + 40 did not meet this criteria.

The parcel east of US 93 at this location has a conservation easement attached so there is no left hand turn conflicts with an access at Station 44 + 50.

Land use patterns indicate that every parcel on the west side of Highway 93 from Bowman Road to Woodside with the exception of Parcel 1- 49 has moved steadily toward commercial use in the last 15 years. A commercial access to this parcel at Station 44 + 50 is consistent with this land use. Current use of property is commercial.

Future expansion on this parcel would require re-evaluation under Access Management Guidelines. Petitioners understand and agree with this stipulation.

- 2 Request for commercial access was not considered or requested by parcel owners because the first design of Highway 93 indicated the road bed would be substantially below the current design. Discussion of access possibility dated 3/7/04 was considered by the ARC. The first request for access was at Station 44 + 40 by a party not involved in the current request. Access at 44+40 may also pose environmental concerns.

The current request by the parties to this appeal meets Management Access Guidelines. This fact was not considered at the 3/29/04 meeting. At Station 45 + 50 there are no environmental concerns.

- 3 Land Owners were denied access to Parcel 1 - 48 in their initial request for Highway access.

Parcel 1 - 46 has settled with the Highway department and no easement across 1 - 46 has been granted or negotiated to access 1 - 48. Parcel 1 - 48 is not without value. Numerous other small parcels along Highway 93 are used for commercial purpose.

This parcel also meets subdivision criteria since it is larger than ½ acre, and the land owner also owns Parcel 1 - 131. Off site septic disposal could be located on that parcel and still meet DEQ guidelines.

4 Land Owners were denied access on first request.

5 During the request period, 2 new members were appointed to ARC.

Actions and recommendations by this committee appear inconsistent with conclusions and recommendations previously issued.

6 The previous ARC allowed reasonable access to multiple parcels along Highway 93 including 1 - 49, 1-107, and 1 - 79 reference minutes from meeting 10/21/04).

Parcel 1 - 49 is adjacent to the subject parcel with the same access characteristics. Access was granted at Station 51 + 09.

At Parcel 1-79, highway access was granted even though county roads surround the property on 2 sides.

On Parcel 1 - 107, right -in/right-out access was granted at a transition location where 4 lane/4 lane left turn concerns were evident.

7 Multiple commercial accesses were granted to Parcels 1 -32, 1- 33, 1-43, 1-45 directly south of subject property.

Parcel 1-45 is within the situational area and has 3 commercial accesses. (See attached right of way sheet 15 of 24, Project Number 2015-082).

In addition to the above mentioned specific information regarding highway access, multiple conflicting offers by the right of way agent have created a difficult situation for the parties herein named. These offers include forfeiture of property in return for grant of commercial access. Subsequent offers place a price on the commercial access as inconsistent with honesty and fair dealing regarding the purchase of right of way property.

Combined with the inability to have public comment before ARC decisions are made compromise the right of property owners to receive fair compensation for their property. Reference 4 offers to property owners for highway acquisition.

This request for commercial access and the appeal process initiated by this letter is as of this date also being sent to Loran Frazier, previous ARC chairman and Montana Highway Commission for further appeal at their meeting May 18, 2005 in Polson, Montana.

Agenda item: 10

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Letting lists**

Background

Staff will distribute the most current lists of upcoming projects slated for advertisement and bid letting.

Staff recommendation

Staff recommends approval of the letting lists.

Notes/discussion

Commission action

Agenda item: 11

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Certificates of completion**

Background

Attached are certificates of completion for March of 2005.

Summary

<i>Month</i>	<i>Original contract amount (monthly total)</i>	<i>Final payment amount (monthly total)</i>
March	17,175,841	17,737,865

Staff recommendation

Staff recommends approval.

Notes/discussion

Commission action

Agenda item: 12a

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Change order approval process**

Background

MDT's Internal Audit Unit conducted an audit of the change order process and published their findings in the *Change Order Process Audit – Limited Scope Review* dated January 21, 2004. **The audit recommends that project change orders be approved by MDT rather than the commission.** The purpose of the recommendation is to ensure the project contract is amended *prior* to the contractor beginning any work described in the change order.

Summary

The Construction Bureau concurs with the audit findings that the current process is the most effective and prevents delays in the construction. However, because the Transportation Commission's meeting schedule does not allow for timely approval of change orders, a change in the process is recommended below.

Please note that if the Transportation Commission retains authority to approve change orders prior to work being completed, there will be significant delays in project construction.

Staff recommendations

The Construction Bureau recommends that the Transportation Commission delegate the approval of change orders to the department.

The department would continue to provide change order data to the Transportation Commission for informational purposes only.

Prior to initiating a new process, Construction Bureau staff will consult with Legal staff regarding the change to ensure timely contract compliance.

Notes/discussion

Commission action

Agenda item: 12b

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Project change orders**

Background

Attached are change orders for March 2005.

Summary

<i>Month</i>	<i>Total</i>
March 2005	\$792,753.41
	\$792,753.41

The Construction Bureau has created a new format for reporting the change orders to the Transportation Commission. Staff would like to discuss with the commission whether they would like to receive the detail information on change orders under \$5,000.

Staff recommendation

Staff recommends approval.

Notes/discussion

Commission action

Agenda item: 13a

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 / Polson / Pablo

Item: **Liquidated damages**

SFCI 94-6(46)218 – *4KM East of Glendive - East*

Background

Prince Inc of Forsyth, MT overran the contract time by 24 days. We wrote the contractor on December 29, 2004 of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the Commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand. As there was no response from the contractor, our recommendation is noted below.

Summary

Award Date:	October 21, 2002	Proceed Date:	November 25, 2002
Work Began:	July 21, 2003	Work Completed:	August 17, 2004
Contract Time:	90 working days	Work Extensions:	0
Time Used:	114 working days	Overrun:	24 days
Contract Amount:	\$5,982,599		

Staff recommendations

We recommend assessing 24 days at \$2,303.00 per day for a total of \$55,272.00

Notes/discussion

Commission action

Agenda item: 13b

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 in Ninepipe, MT

Item: **Liquidated Damages**

CM 5899(20) – *Brady St / Joshyn St - Helena*

Background

Helena Sand & Gravel Inc of Helena, MT overran the contract time by 3 days. We wrote the contractor on February 4, 2005 of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the Commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand. As there was no response from the contractor, our recommendation is noted below.

Summary

Award Date:	July 7, 2003	Proceed Date:	August 4, 2003
Work Began:	August 12, 2003	Work Completed:	August 11, 2004
Contract Time:	60 working days	Work Extensions:	0
Time Used:	63 working days	Overrun:	3 days
Contract Amount:	\$509,544		

Staff recommendations

We recommend assessing 3 days at \$989.00 per day for a total of \$2,967.00

Notes/discussion

Commission action

Agenda item: 13c

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 in Ninepipe, MT

Item: **Liquidated damages**

NH 0002(505) *D4-Culverts – North*

Background

LSC Inc of Fort Peck, MT overran the contract time by 14 days. We wrote the contractor on February 15, 2005 responding to the request for waiver of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand.

Since LSC Inc had sent numerous letters requesting waiver of the overrun of contract time, a follow-up telephone call was made to LSC Inc on April 27, 2005. Larry Scanlon, LSC Inc agreed with the staff recommendation and was not going to pursue requesting a waiver of the liquidated damages from the commission. Our recommendation is noted below.

Summary

Award date:	October 21, 2002	Proceed date:	November 25, 2002
Work began:	April 21, 2003	Work completed:	June 4, 2004
Contract time:	75 working days	Work extensions:	12
Time used:	101 working days	Overrun:	14 days
Contract amount:	\$802,509		

Staff recommendations

We recommend assessing 14 days at \$1,142 per day for a total of \$15,988.

Notes/discussion

Commission action

Agenda item: 13d

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 in Ninepipe, MT

Item: **Liquidated damages**

FBD-MT 0002(524) – *Ferry Rehab – Missouri River*

Background

Diamond Construction Inc. of Helena, MT overran the contract time by 6 days. We wrote the contractor on March 9, 2005 of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the Commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand. As there was no response from the contractor, our recommendation is noted below.

Summary

Award date:	February 9, 2004	Proceed Date:	March 15, 2004
Work began:	March 22, 2004	Work Completed:	October 5, 2004
Contract time:	Completion Date of June 26, 2004		
Time used:		Overrun:	6 days
Contract Amount:	\$767,347		

Staff recommendations

We recommend assessing 6 days at \$698 per day for a total of \$4,188.

Notes/discussion

Commission action

Agenda item: 13e

Staff person handling: Loran Frazier, Acting Chief Engineer

Date/location: May 18, 2005 in Ninepipe, MT

Item: **Liquidated damages**

BR 81001(3) – *Frying Pan Gulch – 8KM N of Dillon*

Background

Smith Contracting of Butte, MT overran the contract time by 5 days. We wrote the contractor on March 9, 2005 of the overrun of contract time. They were informed they had 30 days in which to respond if they intended to request a waiver from the Commission. They were also informed that if a written reply was not received within 30 days, the liquidated damages would stand. As there was no response from the contractor, our recommendation is noted below.

Summary

Award date:	April 5, 2004	Proceed date:	May 3, 2004
Work began:	May 10, 2004	Work completed:	October 15, 2004
Contract time:	45 working days	Work extensions:	0
Time used:	50 working days	Overrun:	5 days
Contract amount:	\$368,593		

Staff recommendations

We recommend assessing 5 days at \$673 per day for a total of \$3,365.

Notes/discussion

Commission action

Agenda item: 14

Staff person handling: Jim Lynch

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Commission discussion**

Discussion items

- *Update on the work of the Governor's office in regards to tribal relations*
- *Update on reauthorization of the federal transportation act*
- *Paid meeting advertisement options (please see attached)*

Agenda item: 15

Staff person handling: as needed

Date/location: May 18, 2005 at Ninepipes Lodge in Charlo, MT

Item: **Public comment**
